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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

In re CELERA CORP. DERIVATIVE
LITIG.

Lead Case No. C 10-02935 JW

This Document Relates To:

ALL ACTIONS

**STIPULATION AND [PROPOSED]
ORDER SETTING HEARING DATE
FOR PLAINTIFFS' MOTION TO
AMEND**

WHEREAS, Plaintiffs in the above-captioned case have filed a Motion for Leave to File an Amended Consolidated Shareholder Derivative Complaint to address a new development whereby nominal defendant Celera Corporation is being acquired through a tender offer by Quest Diagnostics Incorporated;

WHEREAS, the tender offer will expire on April 25, 2011 and therefore Plaintiffs seek to shorten time for this motion to be heard from the Court set date of June 27, 2011;

WHEREAS, the Parties previously submitted a Stipulation and Proposed Order on March 28, 2011 seeking to set an expedited schedule for Plaintiffs' Motions to Amend and Expedite and Defendants' Motion to Stay;

WHEREAS, the Court granted the Stipulation and Proposed Order setting a hearing date of April 18, 2011 to hear the Motion to Expedite and Motion to Stay;

WHEREAS, the Court did not reset the Motion to Amend hearing date;

1 WHEREAS, if the Court denies Plaintiffs' Motion to Amend, the Motion to Expedite and
2 Motion to Stay become moot;

3 WHEREAS, the Court previously has entered the following scheduling modifications: (i)
4 on November 2, 2010, pursuant to stipulation the Court continued the case management
5 conference scheduled for November 15, 2010 to March 28, 2011; (ii) on December 16, 2010, the
6 Court continued the hearing on Defendants' motions to dismiss from March 7, 2011 to April 11,
7 2011, took the case management conference scheduled for March 28, 2011 off calendar, and
8 modified the briefing schedule for Defendants' motions to dismiss accordingly; (iii) on January
9 14, 2011, pursuant to stipulation the Court extended Defendants' deadline to file their motions to
10 dismiss from January 17, 2011 to January 18, 2011; and (iv) on March 29, 2011, the Court set a
11 briefing schedule for Plaintiffs' Motion to Amend and Motion to Expedite and Defendants'
12 Motion to Stay, and set a hearing date for Plaintiffs' Motion to Expedite and Defendants' Motion
13 to Stay;

14 NOW THEREFORE, Plaintiffs and Defendants, through their counsel of record, stipulate
15 to the following:

16 IT IS HEREBY STIPULATED that

17 (i) Plaintiffs and Defendants seek to have Plaintiffs' Motion to Amend heard by the
18 Court on Friday, April 18, 2011 at 9:00 a.m. Pacific Time in conjunction with the hearing
19 scheduled for the Motion to Expedite and Motion to Stay in this action.

20 IT IS SO STIPULATED:

1 DATED: April 7, 2011

GARDY & NOTIS, LLP

2 By: /s/ Jennifer Sarnelli

JENNIFER SARNELLI

3 Attorney for Plaintiffs

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7 DATED: April 7, 2011

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17 Ordoñez, Joel R. Jung, Ugo Deblasi

William G. Green, Richard H. Ayers, Jean-Luc

18 Bélingard, Gail K. Naughton, Wayne I. Roe,

19 Peter Barton Hutt, and Bennett M. Shapiro

20 * * *

ORDER

21 PURSUANT TO STIPULATION, IT IS SO ORDERED.

22 DATED: April 12, 2011

23 
THE HONORABLE JAMES WARE
24 UNITED STATES DISTRICT JUDGE